C.J.'S Court

Writ Petition No. 714 of 2001 (M/B)

Ram Singh Jamnal …… Petitioner.

Versus

State of Uttaranchal & others ……. Respondents.

Hon. A.A. Desai, C.J.
Hon.Irshad Hussain, J.

Heard Sri Alok Singh, learned counsel for the petitioner and the learned C.S.C.

Petitioner is a 'A' Class Civil Contractor and enlisted with the P.W.D. For carpeting of roads by hot mix method. Tenders were invited by Respondent no. 3 from Class 'A' contractors. On the date of submission of the tenders on 26.06.2001, some additional special conditions were circulated by Respondent no. 3. The petitioner despite this, submitted his tender form quoting his rates for the said work. Another Class 'A' contractor, Respondent no. 4 also submitted his tender on the said date.

The petitioner by this petition canvassed a grievance that the motive behind the move to circulate the special conditions were to establish the monopoly of a particular group of contractors so that the tenders with higher rates could be accepted even at the cost of public exchequer. According to the petitioner, the special conditions imposed later on were unjust and unfair and were intended to benefit the cause of another contractor, the Respondent no. 4. Learned counsel for the petitioner pointed out that after acceptance of the tender of Respondent no. 4 work order was issued on 5.3.2002 and

Major work under the contract has been completed and although the writ petition has become infructuous, the respondents are liable to be saddled with exemplary costs of their unjust and unfair acts.

We can not lose sight of the fact that the petitioner had on the stipulated dated submitted the tender for the work despite being made aware of the special conductions which the petitioner could no fulfil and if his tender was not accepted, he cannot indulge in approbate and reprobate.

The petition, therefore, lacked merit, besides the same has become infructuous. The same was dismissed on the date of hearing, i.e. on 02.05.2002, for which the reasonings are recorded by this order.

(A.A. Desai, C.J.) (Irshad Hussain, J.)

07.05.2002